

The Minors' Access to Tobacco Act of 1993

State of Washington
RCW 70.155



- **Every day tobacco kills more than 20 Washington residents from lung cancer, emphysema and heart disease.**
- **90% of adult smokers in Washington started when they were teenagers.**
- **By 8th grade, almost half of Washington's youth have experimented with cigarettes. And by 12th grade, 24% are regular smokers.**
- **Tobacco contains the highly addictive drug nicotine, which makes it very difficult to quit.**
- **A burning cigarette produces 43 known cancer-causing substances and another 400 toxins.**
- **The Environmental Protection Agency classifies second-hand tobacco smoke as a Group A carcinogen.**
- **Smokeless tobacco causes oral health problems which can lead to cancer of the cheeks, gums and throat.**

“ The legislature finds that while present state law prohibits the sale and distribution of tobacco to minors, youth obtain tobacco products with ease. Availability and lack of enforcement put tobacco products in the hands of youth. ”

The 1993 Washington Legislature passed

The Minors' Access to Tobacco Act

to make it more difficult for persons under age 18 to obtain cigarettes and other tobacco products.

The state was also required by the federal government to enforce laws prohibiting the sale and distribution of tobacco products to minors or risk losing a portion of their federal drug and alcohol prevention and treatment funding.

New regulations in the Minors' Access to Tobacco Law affect tobacco retailers and sales clerks. The law strictly regulates cigarette vending machines and businesses or individuals who provide tobacco samples.

Enforcement is handled by the Washington State Liquor Control Board with oversight by the Washington State Department of Health.

The 1993 law also establishes the

Youth Tobacco Prevention Account

to fund tobacco prevention activities for youth in their communities.

License fees and monetary penalties from enforcement of the 1993 law are deposited in the Youth Tobacco Prevention Account. Part of the funds are used by the Liquor Control Board to enforce the law and to print warning signs for retailers. The remaining funds are distributed by the Washington State Department of Health to local health departments and other community agencies for prevention and educational activities.

The law specifies that funds be used for coordinated intervention strategies to prevent and reduce tobacco use by youth. Local activities include:

- Compliance checks of retailers, using youth volunteers
- Tobacco prevention education programs in schools and youth groups
- Youth coalitions to prevent tobacco use
- Public information and referral programs
- Tobacco cessation classes for youth
- Community outreach programs
- Education of retailers

Tobacco Retailers

All retailers must prominently display their license to sell tobacco. Retailers must check identification in all cases where there may be a question of the age of the buyer.

At each point of sale, retailers must post warning signs like the one below.

These signs are available free of charge from the Washington State Liquor Control Board. They are 5" x 7" in size, bright yellow and have an adhesive backing.

The law also prohibits the sale of single cigarettes. Cigarettes must be sold in their original, unopened package with an affixed cigarette tax stamp.

Retailers can be fined for violating the law:

1st offense: \$100 fine

2nd offense: \$300 fine

3rd offense: \$1,000 fine and six month license suspension

4th offense: \$1,500 fine and 12 months license suspension

Five or more offenses within a two year period can result in revocation of the retailers license for five years.

The Liquor Control Board inspects tobacco retailers, investigates complaints and issues citations.

Retail Clerks

Clerks must check identification before selling tobacco products to anyone who may be under age 18. Two citations are issued for violations of the law: one against the retailer and one against the clerk. Sales clerks can be fined \$50 for the first offense and \$100 for each subsequent offense.

The Liquor Control Board offers classes for retail clerks on how to check and verify identification. Contact the Liquor Control Board office in your area for times and locations.

Vending Machines

Each vending machine must be licensed. Tobacco vending machines must be located only in areas where minors are prohibited, with the exception of industrial work sites where no one under age 18 is employed. Vending machines must be located no less than ten feet from all entrance and exit ways. Violations of vending machine provisions of the law carry a fine of \$100 for each day they occur.



The sale of tobacco products to persons under age 18 is strictly prohibited by state law. If you are under 18, you could be penalized for purchasing a tobacco product; photo ID required.

Giving Away or Sampling Tobacco Products

Coupons for free tobacco products are allowed only when they are redeemed in person at a retail store where age can be verified. Sending free tobacco products through the mail is prohibited. A fine of \$1000 can be imposed for each violation.

Any business or individual who provides tobacco samples must be licensed by the Liquor Control Board. Sampling is prohibited in public places with three exceptions:

- locations where persons under age 18 are prohibited
- retail stores licensed to sell tobacco
- at or adjacent to a production, repair or outdoor construction site or facility.

Sampling is prohibited in parks and on public streets or sidewalks that are within 500 feet of a playground, school or other facility used primarily by children. A fine of \$300 can be imposed for each violation of the provisions on sampling.



Persons Under Age 18

The law makes it a Class 3 civil infraction for minors to purchase or attempt to purchase tobacco products. They may be required to pay a fine and participate in a smoking cessation program.

The law allows minors to participate in authorized compliance checks. With permission from parents and under the direction of the local health department, police or Liquor Control Board, persons under age 18 can attempt to purchase tobacco products. Compliance checks provide a means to assess the ease with which youth can buy cigarettes and the effectiveness of enforcement efforts.

To report a violation of the Minors' Access to Tobacco Law:

Call your local enforcement office of the Liquor Control Board. They are listed under state government in the blue section at the front of your phone book.

Or call your local health department.

A list of these resources is also available on our website: www.doh.wa.gov/topics/tobacco.htm under the Resources section.

To get more information on tobacco prevention for youth:



Youth Tobacco Prevention Program
360-753-4312